

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ILLINOIS STATE PAINTERS WELFARE FUND,)
PAINTERS DISTRICT COUNCIL NO. 58 FRINGE)
BENEFIT FUNDS, PAINTERS DISTRICT COUNCIL)
NO. 58 401(k) TRUST FUND, and INTERNATIONAL)
UNION OF PAINTERS AND ALLIED TRADES)
INDUSTRY PENSION FUND,)

Plaintiffs,)

v.)

No. 12-cv-78-JPG-DGW

RINTOUL PAINTING, INC. and GINA R. RINTOUL,)
Individually,)

Defendants.)

MEMORANDUM AND ORDER

This matter comes before the Court on the plaintiffs' notice of dismissal with prejudice of all claims in this case against defendant Gina R. Rintoul (Doc. 36) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss an action without a court order at any time before the opposing party serves an answer or a motion for summary judgment. Rintoul has not served an answer or motion for summary judgment in this case. Because the plaintiffs have an absolute right to dismiss this case against Rintoul at the present time, the Court finds that all claims in this case against Rintoul are **DISMISSED with prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case. The claims against defendant Rintoul Painting, Inc. are subject to a motion for default judgment, should the plaintiffs make one.

IT IS SO ORDERED.

DATED: November 18, 2013.

s/J. Phil Gilbert
United States District Judge